THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8353 OF 1997

DATED:24.01.2007

Between:

Kaza Seetha Ramanjaneyulu
....Petitioner

AND

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Education Department, Secretariat
Hyderabad and others ...
Respondents

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WRIT PETITION sNo.8353 of 1997

ORDER:

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This writ petition is filed seeking a Mandamus directing the respondents to regularise the services of the petitioner in the post of Lecturer in the Department of Mathematics from the date of his initial appointment with all consequential benefits.

It is the case of the petitioner that he passed M.Sc in Mathematics from Saurastra University, Rajkot, Gujarat in the year 1986 by securing 48.5% marks as such he was appointed as adhoc Lecturer in the Department of Mathematics by the 5th respondent in the month of December, 1989 and since then he has been working in the said post to the utmost satisfaction of the authorities. In the year 1995 one aided vacancy arose in the Department of Mathematics due to retirement of the aided Lecturer, who was working in the said Department. While the matter stood thus, the Government of Andhra Pradesh, issued G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994 formulating a scheme for regularisation of services of the persons appointed on daily wage/NMR or consolidated pay and are continuing on the date of issuance of the G.O. The Government also decided in the said G.O. that the services of such persons who are working continuously for a minimum period of five years and are continuing as on 25.11.1993 be regularized. Further,

Government also issued G.O.Ms.No.362 Education Department, dated 7.10.1994 extending the benefits of G.O.Ms.No.212 to the part-time Lecturers working in private aided degree, oriental & junior colleges in the State. The petitioner is fully eligible for regularisation of his services. The respondents have not taken any action in regularising the service of the petitioner by absorbing in the post. In respect of percentage of marks in the P.G. degree course is concerned, Government of Andhra Pradesh has relaxed the condition in case of many lecturers and regularized their services subject to condition that they shall improve the marks 55% and above within three years of their regularization. The same is not extended to the petitioner and his services are not regularized.

While admitting the writ petition on 01.05.1997, this Court directed the respondents to consider the case of the petitioner for regularization of his services in terms of G.O.Ms.No.302 dated 23.08.1991 if it is applicable to the petitioner. It seems the respondents have considered the case of the petitioner in pursuant to the directions of this Court and issued proceedings dated 7.6.1997 stating that as per the G.O.Ms.No.302, the eligibility criteria for appointment to the post of a Lecturer, one must have 55% of marks in the P.G. Degree, but the petitioner had only 48.5%. Therefore, his case was rejected saying that the G.O.Ms.No.302 dated 23.08.1991 is not applicable to the case of the petitioner.

The learned Counsel for the respondents states that in fact, thereafter, the vacancy was notified and applications were invited. The petitioner also applied for the said post of Lecturer in Mathematics. However, he could not be selected due to insufficiency of marks obtained by him in the P.G. Degree and aggrieved by the said non selection, the petitioner has filed another Writ Petition No.14571 of 1997 and the same is pending on the file of this Court.

In view of the above, the cause in the writ petition does not survive for adjudication and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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24th January, 2007

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